

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MAURICE WALLACE,

Plaintiff,

v.

CARL MILLER, *et al.*,

Defendants.

Case No. 09-cv-342-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Stipulation of Dismissal (Doc. 138) of plaintiff Maurice Wallace's claims against defendant Benyomin Scheiman pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) signed by all parties. Rule 41(a)(1)(A)(ii) allows dismissal by a plaintiff without a court order by filing such a stipulation. Therefore, the Court finds that Wallace's claims against Scheiman are **DISMISSED with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Scheiman is terminated as a party to this case. The plaintiff's dismissal of Scheiman renders **MOOT** Scheiman's motion to dismiss (Doc. 115) and Magistrate Judge Frazier's Report and Recommendation (Doc. 129) recommending the Court grant in part and deny in part that motion.

IT IS SO ORDERED.

DATED: June 26, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE